

PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL, PLANNING COMMISSION,
AND ZONING BOARD OF APPEALS
SPECIAL WORK SESSION - CONTEXTUAL ZONING
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN
JULY 8, 2003, 7:00 PM

The meeting opened at 7:32 p.m.

Present:

Village Council: President Jim Pikulas, Fred Gallasch, Randy McElroy, Jo Saltzman

Planning Commission: Jim Stevens, Mitch Klein, Al Beke, Mary Hepler, Mike Hoyt

Zoning Board of Appeals: J. Hailey, Sam Dabich, Randy Brakeman, Harold Stein, George Haddad

Also Present: Jon Stoppels, Village Administrator
John Staran, Village Attorney, Beier Howlett
Eileen Pulker, Village Clerk

Chairman of the Planning Commission, Jim Stevens, gave an introduction and a breakdown plan for the meeting, explaining how there would be a presentation and questions would be answered as they came up. He then handed the meeting over to Mary Hepler and Mike Hoyt, who presented the findings and their ideas.

Hoyt began with a background summary, explaining how the idea behind the proposal began with an update to the Franklin Master Plan in 1997, one of the points made during the update was work on preserving the natural and historic feel of Franklin. There has been a growth in the "Bigfoot" phenomenon, large homes that take up a large footprint, or area, on a property. The typical plan for zoning in a community is based on a Floor Area Ratio (FAR), however this technique proved ineffective finding Bigfoot houses, which tending to be built on larger properties, and some normal sized houses would have problems simply because they are on smaller lots. An alternative is Contextual Zoning, which looks at the characteristics of a lot, and the characteristics of the lots surrounding that lot. The idea would creative an average based on the look and appeal already in place in a neighborhood. Contextual Zoning was the direction that the Planning Commission wanted the Village to go in.

Gallasch asked about the breakdown of zoning categories and what each category means.

Hoyt replied that R-E stands for estate section, at 3 acres, R-L is for large lots at 1.5 acres, and R-1 is for slightly smaller lots, at .75 acres.

Hoyt then handed out a sample of zoning attributes in three subdivisions, illustrating which properties within these subdivisions comply with code and which do not. The subdivisions were picked to show how much properties in the Village vary. In the first subdivision, Franklin River Hills: None of the eighteen properties zoned R-E are

compliant in regard to today's standards, seventeen of the twenty-nine zoned R-L are noncompliant, but all thirty two of the properties zoned R-1 are compliant. The next subdivision, Winwood Hills Estates #1: Thirty-one of the forty-four properties, zoned R-L, are non-compliant, and there are forty different widths of lots. The last subdivision, Franklin Village: All forty-six of the lots, zoned R-1, are compliant, and there are also forty different lot widths. There is such a variety of sizes and shapes of lots that standard FAR zoning mathematics do not establish an effective guideline.

Hepler continued the presentation, beginning with a synopsis of the plan for contextual zoning. The review of properties in Franklin showed that it is nearly impossible to apply a strict mathematical system, because the lots vary so much in size and shape. It became clear in redeveloping the Master Plan in 1997 that the visual aesthetic of Franklin was the main concern, and as long as a house looked like it fit on the property, then the goal would be reached. Dave Nicholson, the Village Planning Consultant with McKenna & Associates, presented the idea of contextual zoning. The Planning Commission reviewed the materials and came up with an idea that the real concern was not in regulating size, but in regulating encroachment between properties. The final proposed idea was to regulate homes indirectly through contextual zoning, instead of directly through FAR zoning restrictions.

Dabich asked a question about the Master Plan, and how it ties into the contextual zoning plan.

Hepler stated that rural settings, large lots and scenic views were the key to the Franklin look, the hope is that contextual zoning will help in preserving the visual appeal.

Hepler went on to cite examples, explaining how if a house were to be built on a property then it would have to be the same distance back from the street as the houses around it. A possible exception would be in height variations, a two-story house would have to be set back from the street farther than a single story house for perceptual purposes.

Brakeman wanted to know what was considered an excessively tall home, Hepler told him it would have to be over 27 feet.

Haddad then asked who about who would make decisions about contextual zoning, who's job would it be to make the judgement. Hepler told him it was the building officials job to make those decisions, based on the mathematical formulas that would be explained later in the presentation.

Hepler continued by presenting five houses; 25055 Canterbury (Samuels), 25066 Canterbury (Ernst), 25015 Franklin Park Drive, 26510 Scenic, and 26365 Normandy, giving explanations of how these houses would comply or would not comply with the new contextual zoning.

Stein asked if the restrictions that are created by contextual zoning may be an attempt by the Village to design the homes to fit the lot. Hepler stated that the restrictions are simply

to a size, not the look of the house, and if you want to build a bigger house, then buy a bigger lot.

Brakeman brought up issues with regulating heights in regard to the property at 25066 Canterbury, explaining how the dirt left over from digging a basement out could be used as fill to level out the ground around a house, and in the process, change the flow of water through a neighborhood. Hepler agreed that the issue should be looked at.

In regard to the issue addressed in the proximity of the driveway at 25066 Canterbury to the driveway on the property next to it, McElroy offered that maybe the owners placed the driveways so close together to keep maintenance down.

Hoyt argues that you can curve the driveway, beginning with it in the middle of the lot at the street, but then curving off to the side of the property as it approaches the house, which would leave a smaller area of side yard to deal with and still allow for a visually appealing affect.

Hepler established that the considerations they were proposing would still allow change.

Hepler then showed ideas for changes for the regulations for contextual zoning, explaining that the majority of the regulations establish equations to figure out the guidelines for each individual property. She followed up with an analysis of one of the properties, using some of the equations that are being considered for the zoning regulations.

Hailey asked if there was a maximum amount of set back that a property could have, Hepler said there would be no maximum only a minimum.

Dabich asked how a house off of a ravine would be handled, Hepler stated that the height would be decided with the same requirements currently in place.

Hepler stated that McKenna and Associates supports the idea of contextual zoning, and they may want to publish the case study.

Hailey asked about the practicality of contextual zoning, about how difficult it would be to defend it in court. Hepler stated that since the ordinances they are proposing are only about area related aesthetics, and not about the real visual aesthetics of a home, the ordinances would be defensible.

Also, guidelines for variances could be established in the ordinances to allow for special situations.

Pikulas gave an example of how one individual dealt with an encroachment on his home, by using trees to block the view from the house next door.

Hepler concluded the presentation by saying that more work has to be done to prepare the idea, that the building official and village attorney have to look at the ideas and begin to build some language for the ordinances.

Dabich asked about how this would hold up over the next twenty years, proposing an example of people starting to build ranch houses in twenty years instead of building larger and larger homes, would that be a problem. Hepler stated no, that as long as the houses stayed under the limits, everything would work out fine.

Staran asked how this would affect current construction projects, or for homeowners that would want to put on additions. He also asked if every home in Franklin would be run through the equations and how many of these homes would be rendered lawful non-conforming.

McElroy explained briefly how the Zoning Board has dealt with issues like that in the past, that usually as long as the changes proposed do not cause additional encroachment problems, then there is no real problem.

Hoyt stated that when the numbers were crunched for FAR restrictions, that only a small number of homes were considered large, and not even excessively large, so the estimated problems with nonconformity on current projects would be small.

Hepler felt that any issues will most likely be resolved when the language for the ordinances is established.

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen H. Pulker
Village Clerk

James Pikulas
Village Council President